

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-0455V

Filed: August 26, 2015

Unpublished

JULIE FEASTER,

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Petitioner,

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Ruling on Entitlement; Concession;
Diphtheria, Pertussis, Tetanus Vaccine;
Shoulder Injury Related To Vaccine
Administration ("SIRVA");
Special Processing Unit ("SPU")

SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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*Leah Durant, Esq., Law Offices of Leah V. Durant, Washington DC, for petitioner.
Ann Martin, Esq., U.S. Department of Justice, Washington, DC, for respondent.*

RULING ON ENTITLEMENT¹

Vowell, Chief Special Master:

On May 4, 2015, Julie Feaster filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² [the "Vaccine Act" or "Program"]. Petitioner alleges that she suffers from a shoulder injury resulting from vaccine administration ["SIRVA"] as a result of the diphtheria-pertussis-tetanus vaccine she received on July 9, 2014. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On August 26, 2015, respondent filed her Rule 4(c) report in which she concedes that she "has determined that petitioner's alleged injury is consistent with SIRVA and recommends that compensation be awarded in this case." Respondent's Rule 4(c) Report at 1. Specifically, respondent "has concluded that a preponderance of evidence establishes that the injury to petitioner's left shoulder was caused-in-fact by the

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

administration of her July 9, 2014 Tdap vaccine.” *Id.* at 3. Respondent further concedes that no alternative causes for petitioner’s SIRVA were identified, and that “the statutory six month sequela requirement has been satisfied.” *Id.*

In view of respondent’s concession and the evidence before me, I find that petitioner is entitled to compensation.

s/Denise K. Vowell
Denise K. Vowell
Chief Special Master